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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/733,472
Filing Date: December 08, 2000
Appellant(s): HAINES ET AL.

Walter W. Kamstein
Registration No. 35,565
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/11/06 appealing from the Office action mailed 5/8/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3-11, 13-18, 22, 37-44 are rejected under 103(a) as being unpatentable by U.S. Patent No. 6,310,692 issued to Fan et al in view of U.S. Patent No. 6,430,711 by Sekizawa.

Regarding claim 1, the Fan reference teaches a consumable component replenishment and maintenance assistance system for a centralized network environment (col. 3, lines 56-63), comprising:

- a computer network (col. 3, lines 64- col. 4, line 2);
- a plurality of computer peripheral devices within the network (col. 3, lines 66-67);
- a personal computer within the network and having a user interface usable by a maintainer to maintain operation of the at least one computer peripheral device of the plurality (col. 3, lines 13-20); and
- a server within the network and having a consumable component consolidation program (col. 4, lines 9-14; supervisor) operative to monitor the plurality of computer peripheral devices to identify at least a need to replenish a consumable component and/or perform maintenance for each of the plurality of the computer peripheral devices (col. 3, lines 67; col. 4, lines 15-28), and to notify a maintainer of the identified need by rendering instructions that are sent to the maintainer at the personal computer (col. 3, lines 30-34);
- wherein the consolidation program being operative to deliver to the maintainer an e-mail notifying of the need to replenish the consumable component when a computer peripheral device has the need to replenish the consumable component (col. 4, lines 30-34, 49-62).

The Fan reference fails to teach delivering an email consolidating the needs to replenish consumable components when two or more devices are in need.

However, the Sekizawa reference teaches sending an email consolidating the needs to replenish or maintain two or more devices in need (Sekizawa: col. 4, lines 27-32; col. 8, lines 9-

36; col. 9, lines 11-44; col. 30, lines 40-46; Fig. 35) in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include an email to notify when two or more devices are in need as taught by Sekizawa in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

Regarding claim 3, the system of claim 1 further comprising another personal computer and an electronic communication link signal coupling the another personal computer with an external seller of a consumable component for one of the at least one peripheral devices (Fan: col. 4, lines 53-62; Figure 3).

Regarding claim 4, the system of claim 1 further comprising another personal computer, wherein the another personal computer is operative to monitor the at least one computer peripheral device to determine the state of a consumable for each of the at least one computer peripheral devices, and notify a user via the user interface of a need to replenish one or more consumables (Fan: col. 3, lines 13-20; col. 4, lines 15-28).

Regarding claim 5, the Fan reference teaches the system of claim 1. The Fan reference fails to teach another server with a program having consumable re-order notification to a purchaser at another computer. However the Sekizawa reference teaches another personal computer and another centralized server having a consumable re-order program including instructions to send a consumable re-order notification to a consumables purchaser at the another personal computer (Sekizawa: col. 3, lines 10-21; col. 46, lines 18-32) in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include notifying a purchaser when to re-

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order components that are in need as taught by Sekizawa in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

Regarding claim 6, the system of claim 1 wherein the consumable component comprises a first consumable component (Fan: col. 4, lines 20-24), and further comprising a second consumable component unique from the first consumable component (Fan: col. 4, lines 20-24), wherein the consolidation program monitors the at least one computer peripheral device to identify when the second consumable component is near a threshold level requiring replenishment and/or maintenance and the consolidation program consolidates the need to replenish and/or perform maintenance on the first and second consumable components (Fan: col. 4, lines 15-28).

Regarding claim 7, the system of claim 6 wherein the first consumable component resides on a first peripheral device, and the second consumable component resides on a second peripheral device (Fan: col. 4, lines 15-17; for each printer resource; lines 20-24).

Regarding claim 8, the system of claim 6 wherein the first consumable component and the second consumable component reside on a common peripheral device (Fan: col. 4, lines 20-24).

Regarding claim 9, the system of claim 6 wherein the server is operative to automatically notify a maintainer of the consolidated need to replenish and/or perform maintenance (Fan: col. 4, lines 53-62).

Regarding claim 10, the system of claim 6, wherein the server is operative to automatically notify a purchaser of the consolidated need to replenish and/or perform maintenance (Fan: col. 4, lines 30-34, 49-62).

Regarding claim 11, the system of claim 6 wherein the consolidation program generates a warning message indicating that the second consumable component is near the threshold level (Fan: col. 5, lines 38-53).

Regarding claim 13, the system of claim 1 wherein the consolidation program includes a configurable threshold setting for the consumable component of the peripheral device (Fan: col. 4, lines 35-44), wherein a user of the centralized server selectively configures the threshold setting for the consumable component such that the identified need to replenish the consumable component is triggered by the threshold setting (Fan: col. 4, lines 35-44, lines 15-29).

Regarding claim 14, the Fan reference teaches a consumable monitoring system for a computer peripheral device within a centralized network environment (col. 3, lines 56-63), comprising:

- a personal computer having a user interface (col. 3, line 66, lines 13-20);

- a plurality of computer peripheral devices (Fan: col. 3, lines 66-67), each computer peripheral device including a consumable (col. 3, line 67; col. 4, lines 20-24);

- a centralized (col. 3, line 67) server with instructions to send a notification including a message that notifies of the need to order consumables for a select group of computer peripheral devices from among the plurality of computer peripheral devices when two or more from the select group have the need to replenish consumables (col. 4, lines 30-62); and

- a computer network interconnecting the personal computer, the plurality of computer peripheral devices, and the centralized server (col. 3, lines 59, lines 65-col. 4, line 2; Figure 3).

The Fan reference fails to teach delivering an email consolidating the need to reorder to replenish consumable components when two or more devices are in need.

However, the Sekizawa reference teaches sending an email consolidating the needs to replenish or maintain two or more devices in need (Sekizawa: col. 4, lines 27-32; col. 8, lines 9-36; col. 9, lines 11-44; col. 30, 40-46; Fig. 35) in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include an email to notify when two or more devices are in need as taught by Sekizawa in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

Regarding claim 15, the consumable order assistance system of claim 14 further comprising an electronic communication link signal coupling the personal computer with a provider of the consumable for the peripheral device (Fan: col. 3, lines 56-63; Figure 3).

Regarding claim 16, the consumable order assistance system of claim 14 wherein the centralized server includes a consumable component consolidation program for monitoring the at least one computer peripheral device to identify a need to replenish a consumable component and/or perform maintenance (Fan: col. 3, lines 67; col. 4, lines 15-28), consolidating the identified need to replenish the consumable component and/or perform maintenance for one or more of the at least one computer peripheral device in the network environment, (Fan: col. 4, lines 15-28) and notifying a user of the consolidated, identified need by rendering instructions that are sent to the user at the personal computer (Fan: col. 4, lines 53-63).

Regarding claim 17, the Fan reference teaches the consumable order assistance system of claim 15. The Fan reference fails to teach automatically initiating an order for consumables. However, the Sekizawa reference teaches wherein the consumable re-order program automatically initiates an order for consumables in response to identifying a need to replenish a consumable component (Sekizawa: col. 1, lines 30-35) in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include an email to notify when two or more devices are in need as taught by Sekizawa in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

Regarding claim 18, the consumable order assistance system of claim 14 wherein the electronic communication link comprises an e-mail system within the network environment (Fan: col. 4, lines 53-63), wherein a list of consumables that need replacement (Fan: col. 4, lines 15-28; col. 8, lines 35-38; notification is given of a printers and their deficiencies) are sent to the personal computer via an e-mail message from the centralized server (Fan: col. 4, lines 53-63).

Regarding claim 22, the Fan reference teaches the consumable order assistance system of claim 18. The Fan reference fails to teach an email facilitating re-ordering consumables by a purchaser. However the Sekizawa reference teaches wherein the e-mail system facilitates consumable ordering by a purchaser at the personal computer (Sekizawa: col. 3, lines 10-21; col. 46, lines 18-32) in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include an email to notify when two or more devices are in need as taught by Sekizawa in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

Regarding claim 37, the Fan reference teaches a method for replenishing consumable components of at least one computer peripheral device within a centralized network (Fan: col. 3, lines 56-58), comprising:

- providing a centralized server within the network communicating with the at least one computer peripheral device among a plurality of computer peripheral devices (Fan: col. 3, lines 64-67);

- identifying a need to replenish a consumable component for each of the at least one computer peripheral components (Fan: col. 4, lines 15-28); and

- communicating the identified need to replenish the consumable component for one or more of the at least one computer peripheral device in the network (Fan: col. 4, lines 15-28).

- wherein the consolidation program being operative to deliver to the maintainer an e-mail when a computer peripheral device has the need to replenish the consumable component (col. 4, lines 30-34, 49-62).

The Fan reference fails to teach delivering an email consolidating the needs to replenish consumable components when two or more devices are in need.

The Sekizawa reference teaches sending an email consolidating the needs to replenish or maintain two or more devices in need (Sekizawa: col. 4, lines 27-32; col. 8, lines 9-36; col. 9,

lines 11-44; col. 30, 40-46; Fig. 35) in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32) and

wherein the centralized server includes a consumable re-order program (Sekizawa: col. 3, lines 11-21; integrated monitoring unit) configured to send a consumable re-order notification to a consumables purchaser at a personal computer (Sekizawa: col. 46, lines 12-32), the notification including a message that consolidates the need to order consumables for a select group of computer peripheral devices from among the plurality of computer peripheral devices when two or more from the select group have the need to replenish consumables (Sekizawa: col. 4, lines 27-32; col. 8, lines 9-36; col. 9, lines 11-44; col. 30, 40-46; Fig. 35).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include an email to notify when two or more devices are in need as taught by Sekizawa in order to improves efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

Regarding claim 38, the method of claim 37 further comprising notifying a network user of the consolidated, identified need by rendering and forwarding instructions to the network user (Fan: col. 4, lines 53-63 and lines 30-34).

Regarding claim 39, the method of claim 38 wherein the network user is a maintainer interacting with the network at a personal computer (Fan: col. 3, lines 13-20).

Regarding claim 40, the method of claim 38 wherein the network user is an end user interacting with the network at a personal computer having a device status interface (Fan: col. 3, lines 13-20).

Regarding claim 41, the Fan reference teaches the method of claim 38. The Fan reference fails to teach the user is a purchaser of consumables interacting with the network. However the Sekizawa reference teaches wherein the network user is a purchaser of consumables interacting

with the network at the personal computer (Sekizawa: col. 3, lines 10-21; col. 46, lines 18-32) in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include an email to notify when two or more devices are in need as taught by Sekizawa in order to improves efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

Regarding claim 42, the Fan reference teaches the method of claim 37 wherein identifying comprises comparing a state of a consumable component with a predefined state (Fan: col. 4, lines 15-28), and when the compared identified state corresponds with the predefined state (Fan: col. 4, lines 35-44). The Fan reference fails to teach generating an order request for consumables. However, the Sekizawa reference teaches generating an order request for the consumable for submission to a provider of the consumable via a communication link (Sekizawa: col. 3, lines 10-21; col. 46, lines 18-32) in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include an email to notify when two or more devices are in need as taught by Sekizawa in order to improves efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

Regarding claim 43, the method of claim 42 wherein the communication link comprises the Internet (Fan: col. 2, lines 55-60; internet is a group of networks).

Regarding claim 44, the method of claim 37 wherein identifying a need comprises receiving a warning notification from a computer peripheral device that the computer peripheral device is down or is about to go down (Fan: col. 4, lines 53-63; col. 6, lines 30-35).

Claims 23-27, 30-33, 35-36 are rejected under 103(a) as being unpatentable by U.S. Patent No. 6,310,692 issued to Fan et al in view of U.S. Patent No. 6,430,711 by Sekizawa in further view of U.S. Patent Publication 2001/0034658 by Silva et al.

Regarding claim 23, the Fan reference teaches a computer-implemented system which implements a program in which consumable components of computer peripheral devices in a centralized network system are replenished (Fan: col. 4, lines 15-28), the system comprising:

a monitoring system which identifies a need to replenish one or more consumable components for any one of a plurality of unique computer peripheral devices within the network system (Fan: col. 4, lines 15-28); and

a notification system which notifies a user of the identified need to replenish components and/or perform maintenance (Fan: col. 4, lines 30-34);

a server (Fan: col. 4, lines 9-14) having a consumable consolidation program (Fan: col. 4, lines 9-14; supervisor) for monitoring at least one computer peripheral device to identify a need to replenish consumables for the at least one computer peripheral device in the network environment (Fan: col. 4, lines 15-34), and notifying a maintainer of the consolidated, identified need by rendering instructions that are sent to the maintainer at the personal computer by forwarding an email (Fan: col. 4, lines 49-62), and the instructions including a message has the need to replenish consumables (Fan: col. 4, lines 30-62).

The Fan reference fails to teach delivering an email consolidating the needs to replenish consumable components when two or more devices are in need.

The Sekizawa reference teaches sending an email consolidating the needs to replenish or maintain two or more devices in need (Sekizawa: col. 4, lines 27-32; col. 8, lines 9-36; col. 9, lines 11-44; col. 30, 40-46; Fig. 35) in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include an email to notify when two or more devices are in need as taught by Sekizawa in order to improves efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

The Fan and Sekizawa references do not teach including a hot link in the email. However, the Silva reference teaches sending an e-mail including a hot link to a web site of consumable reseller information (Silva: paragraph 28) in order to overcome the time-consuming task of filling a shopping cart by the single action of clicking the link and automatically filling the shopping cart overcoming fewer sales (paragraphs 4 and 5).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include a hot link of a website of consumable reseller information as taught by Silva in order to reduce the time necessary to shop and increase sales (paragraphs 4 and 5).

Regarding claim 24, the computer-implemented system of claim 23 wherein the monitoring system comprises a server, a peripheral device having one or more consumable components, and a bi-directional communication link (Fan: col. 3, lines 59- col. 4, line 8; Figure 3), wherein the server polls or sets up the peripheral device to perform an internal check and notifies the server when a need is determined to replenish one or more consumable components and/or perform maintenance (Fan: col. 4, lines 15-28).

Regarding claim 25, the computer-implemented system of claim 23 wherein the notification system comprises a server, at least one client PC, and a communication link provided between the server and the at least one client PC (Fan: col. 3, lines 59- col. 4, line 8; Figure 3), wherein the server generates and forwards a notification to a user at one of the at least one client PC (Fan: col. 4, lines 53-63).

Regarding claim 26, the computer-implemented system of claim 23 wherein the consumable order placement system is resident on a central server within a network environment having a plurality of PCs (Fan: col. 3, lines 65-67).

Regarding claim 27, the computer-implemented system of claim 23 wherein the consumable order placement system is resident on a PC within a network environment having a central server (Fan: col. 3, lines 13-20).

Regarding claim 30, the computer-implemented system of claim 23 wherein the email comprises a notification that a printer needs replenishment of at least one consumable and/or maintenance (Fan: col. 4, lines 53-63).

Regarding claim 31, the computer implemented system of claim 23 wherein the email comprises a notification (Fan: col. 4, lines 53-63) in the form of an itemized list that a plurality of computer peripheral devices each needs replenishment of at least one consumable and/or maintenance (Fan: col. 4, lines 15-28; col. 8, lines 35-38; notification is given of a printers and their deficiencies).

Regarding claim 32, the computer-implemented system of claim 23 wherein the consumable consolidation program notifies the maintainer of the consolidated, identified need for a single computer peripheral device by consolidating the need for a plurality of unique consumable components (Fan: col. 4, lines 15-28, 53-63) and notifying the maintainer of the consolidated need for the single computer peripheral device (Fan: col. 4, lines 53-63).

Regarding claim 33, the computer-implemented system of claim 23 wherein the server comprises a centralized server communicating with the at least one computer peripheral device (Fan: col. 3, lines 64-67; Figure 3) and further operative to consolidate the identified need to replenish one or more consumable components and/or perform maintenance for one or more of the computer peripheral devices (Fan: col. 4, lines 15-24).

Regarding claim 35, the computer-implemented system of claim 23 wherein the notification system comprises a Legacy computer peripheral device and a centralized server provided within the network, wherein the centralized server periodically polls the Legacy device to obtain a

status of the Legacy device relating to status of a consumable component and/or a need to perform maintenance on the Legacy device (Fan: col. 4, lines 15-24).

Regarding claim 36, the Fan reference teaches the computer-implemented system of claim 23. The Fan reference fails to teach consumable order replacement system with a centralized server. However the Sikizawa reference teaches wherein the consumable order placement system comprises a centralized server provided within the network and communicating with a provider of consumables via the Internet (Sikizawa: col. 3, lines 60-67) in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include an email to notify when two or more devices are in need as taught by Sekizawa in order to improves efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

Claim 12 is rejected under 103(a) as being unpatentable by U.S. Patent No. 6,310,692 issued to Fan et al in view of U.S. Patent No. 6,430,711 by Sekizawa in further view of U.S. Patent No. 6,490,052 by Yanagidaira.

Regarding claim 12, the modified Fan reference teaches a consumable component replenishment and maintenance assistance system for a centralized network environment (Fan: col. 3, lines 56-63).

The modified Fan reference fails to teach a centralized server comprises an integrated web server operative to manage network peripheral devices.

However, the Yanagidaira reference teaches a centralized server comprises an integrated web server operative to manage network peripheral devices (Yanagidaira: col. 2, lines 14-23) in order to easily perform the operating state monitoring, check and instruction of the printer from a client (Yanagidaira: col. 2, lines 9-14; col. 1, lines 34-39)

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable component replenishment and maintenance assistance system for a centralized network environment as taught by Fan to include an integrated web server operative to manage network peripheral devices as taught by Yanagidaira in order to easily identify a printer's operating state by a client (col. 1, lines 28-33).

Claims 19-21 are rejected under 103(a) as being unpatentable by U.S. Patent No. 6,310,692 issued to Fan et al in view of U.S. Patent No. 6,430,711 by Sekizawa in further view of U.S. Patent Publication 2001/0034658 by Silva et al.

Regarding claim 19, the modified Fan reference teaches the consumable order assistance system of claim 18.

The modified Fan reference does not explicitly state an e-mail message includes a hot link to a web site of consumable reseller information.

However, the Silva reference teaches sending an e-mail including a hot link to a web site of consumable reseller information (Silva: paragraph 28) in order to overcoming the time-consuming task of filling a shopping cart by the single action of clicking the link and automatically filling the shopping cart overcoming fewer sales (paragraphs 4 and 5).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include a hot link of a website of consumable reseller information as taught by Silva in order to reduce the time necessary to shop and increase sales (paragraphs 4 and 5).

Regarding claim 20, the Fan reference teaches the consumable order assistance system of claim 19. The Fan reference fails to teach an internal customer order system. However the Sekizawa reference teaches an internal customer order system (Sekizawa: col. 3, lines 10-21; col. 46, lines 18-32) in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include an email to notify when two or more devices are in need as taught by Sekizawa in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

The modified Fan reference fails to teach a hot link to a website. However, the Silva reference teaches wherein the hot link is to a web site (Silva: paragraph 28) in order to overcoming the time-consuming task of filling a shopping cart by the single action of clicking the link and automatically filling the shopping cart overcoming fewer sales (paragraphs 4 and 5).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include a hot link of a website of consumable reseller information as taught by Silva in order to reduce the time necessary to shop and increase sales (paragraphs 4 and 5).

Regarding claim 21, the modified Fan reference teaches the consumable order assistance system of claim 19. The Fan reference fails to teach a hot link to a website with a list of providers for a consumable. However the Silva reference teaches wherein the hot link is to a web site that is configured to work with an external web site including a list of providers of the consumable (Silva: paragraphs 9 and 28) in order to overcoming the time-consuming task of filling a shopping cart by the single action of clicking the link and automatically filling the shopping cart overcoming fewer sales (paragraphs 4 and 5).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include a hot link of a website of consumable reseller information as taught by Silva in order to reduce the time necessary to shop and increase sales (paragraphs 4 and 5).

Claim 34 is rejected under 103(a) as being unpatentable by U.S. Patent No. 6,310,692 issued to Fan et al in view of U.S. Patent No. 6,430,711 by Sekizawa in further view of U.S. Patent Publication 2001/0034658 by Silva et al in further view of U.S. Patent No. 6,490,052 by Yanagidaira.

Regarding claim 34, the modified Fan reference teaches a computer-implemented system which implements a program in which consumable components of computer peripheral devices in a centralized network system are replenished.

The modified Fan reference fails to teach the notification system comprises an embedded web server within a computer peripheral device and a centralized server communicating with the computer peripheral device.

However, the Yanagidaira reference teaches the notification system comprises an embedded web server within a computer peripheral device and a centralized server communicating with the computer peripheral device (Yanagidaira: col. 2, lines 14-23) in order to easily perform the operating state monitoring, check and instruction of the printer from a client (Yanagidaira: col. 2, lines 9-14; col. 1, lines 34-39)

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system which implements a program in which consumable components of computer peripheral devices in a centralized network system are replenished as taught by Fanto include an embedded web server within a computer peripheral device and a centralized server communicating with the computer peripheral device as taught by Yanagidaira in order to easily identify a printer's operating state by a client (col. 1, lines 28-33).

(10) Response to Argument

The Applicant Argues:

1) The Fan reference does not disclose a system that delivers an e-mail (or message) consolidating the need to replenish consumable components for a select group of computer peripheral devices.

2) The Sekizawa reference does not disclose a system that delivers an email (or message) consolidating the need to replenish consumable components for a select group of computer peripheral devices.

3) The combination of Fan and Sekizawa is improper.

4) Regarding claim 37, the Fan and Seikizawa references do not disclose a system that delivers an e-mail (or message) consolidating the need to replenish consumable components for a select group of computer peripheral devices.

In response, the examiner respectfully submits:

1. The Fan reference teaches a consolidation program being operative to deliver to the maintainer an e-mail that communicates the need to replenish a consumable component when a computer peripheral device has the need to replenish the consumable component in col. 4, lines 15-34, 49-62. Fans monitoring program monitors printers for deficiencies for example: a printer ink threshold, printer toner thresholds. The Fan reference teaches providing notification to individuals of the deficiency through email, paging, etc. By notifying the user or vendor, the system has communicated the need of specific devices to specific individuals. While Fan does teach notifying by email (or a message) when a need arises, the Fan reference fails to teach an email consolidating the needs to replenish consumable components when two or more devices are in need.

2. The Sekizawa reference does teach the claimed limitations in combination with Fan. The Sekizawa reference teaches sending an email consolidating the needs to replenish or maintain two or more devices in need (Sekizawa: col. 4, lines 27-32; col. 8, lines 9-36; col. 9, lines 11-44; col. 30, lines 40-46; Fig. 35) in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

Col. 4, lines 27-32 teach an embodiment of Sekizawa that “gets status information of a plurality of machines and that the electronic mail preparation means converts the status

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information gotten from the machines into one piece of electronic mail.” This is by definition, the act of consolidating status information into an email (or message).

Col. 9, lines 11-44 defines status information. The monitor “gets and retains status information containing remaining amount information of consumable article of the machine such a printer (for example, ink, toner, or ink ribbon)” and predicts the statistics of the remaining amounts of the consumable articles.

Col. 30, lines 40-46 in detail shows status mail transmission of log data converted to mail text format and concatenated with each other before being mailed out (lines 50-54).

Since the status information identifies the levels of consumable articles and predicts their future lifespan, they notify the best time when to replace said component.

3. Both Fan and Sekizawa are analogous art teaching notifying of consumable component needs. They both perform notification when components of a printer are in need or require maintenance and Sekizawa provides proper motivation to combine by improving efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of consumable monitoring system for a computer peripheral device within a centralized network environment as taught by Fan to include an email to notify when two or more devices are in need as taught by Sekizawa in order to improve efficiency and quality of service (Sekizawa: col. 8, lines 14-32).

4. With regards to claim 37, the claim language is directed towards re-ordering based on the notifying when two or more computer peripheral devices are in need.

The Sekizawa reference teaches the claimed limitations as argued above as well as the idea of re-ordering. The Sekizawa background teaches monitoring consumables to transmit an ink purchase order (Col. 1, lines 30-35). Sekiawa cites another instance of where the need is transferred to an integrated monitoring unit (col. 3, lines 11-21) where a console unit can easily and reliably keep track of the consumption tendencies of each device for proper timing of the re-ordering (Col. 46, lines 6-32). The status information is consolidated and sent to the monitoring unit notifying it of the status of the consumables for the purpose of repair and replacement.


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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

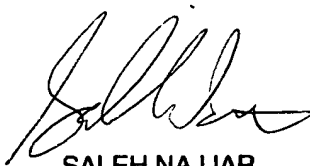
Respectfully submitted,

BRB 
10/18/06

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